

From: Maynard Sipe
To: Microsoft ATR
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The Microsoft settlement proposed by the Dept. of Justice is totally unacceptable and should be rejected by the court. It does not go far enough in any of its provisions. It allows Microsoft too much room for self-determination over whether it is meeting terms of the agreement, it fails to sever the link between pre-market loading of Microsoft's OS and it's Internet Explorer web-browser, and it does not take any affirmative-action type steps to reestablish some competitiveness in the marketplace which is essential.

It is clear that innovative companies with products far superior to Microsoft's have been driven out of business or had their share of the market reduced significantly by Microsoft's uncompetitive practices. The obvious example is Netscape. Because Microsoft could spend almost limitless funds developing Internet Explorer and then induce PC manufacturers to carry Internet Explorer, they were able to practically destroy Netscapes market share. This would not have been possible without the use of unfair and anti-competitive business practices.

Another example is Be. The BeOS was superior in almost every way to Windows, but Microsoft used their market strength to effectively prohibit PC manufacturers from even offering BeOS as an option.

Worse yet, Microsoft is continually attempting to further its monopolistic position by asserting dominance over the internet by using standards in its software not compatible with open standards (HTML, SHTML, Java, etc. Web sites must support the Microsoft applications. Since other companies do not presently have the means to compete with Microsoft, allowing Microsoft to continue to do this threatens to give undue control over the internet to Microsoft. This is extremely serious for the nation's welfare and that of almost all private businesses and industries.

The fact that Microsoft acts in violation of anti-monopoly laws has been established. The proposed settlement between the Dept. of Justice and Microsoft is patently against the public interest and should not be accepted by the court. No settlement will be effective unless it completely severs any link whatsoever between packaging and distribution of Windows OS and Internet Browser; requires dual-boot OS on ALL pcs marketed with Microsoft OS; and applies affirmative obligations on Microsoft to remedy its past actions. (Such as requiring Microsoft to make the necessary proprietary codes fully available to competitors such as Netscape).

The best remedy would be a break-up of Microsoft into three separate companies. Failing that, any remedy should have proactive measures to restore competitive balance in software markets, particularly for web-browsers (such as requiring dual-boot on all pcs marketing with Microsoft OS); bar Microsoft from packaging its web-browser with its OS; and provide for continued oversight by the Dept. of Justice or better yet, the court.

Thank you for considering my comments,
- Maynard Sipe